

REMARKS

Claims 1-11 and 14-16 are of record pending in this case and stand rejected. Claims 2, 4, and 6 are currently amended. No other claims are currently added or canceled. Accordingly, claims 1-11 and 14-16 remain pending in the application. Reconsideration of claims 1-11 and 14-16 are respectfully requested.

Information Disclosure Statement

Applicants hereby respectfully submit an Information Disclosure Statement in the present case; see attached.

It is understood that this submission is sufficient to fulfill the requirements for the filing of an IDS. Please let the undersigned if any additional material need be submitted.

Specification – Informalities

Applicants acknowledge that the objection to the informalities in the specification is withdrawn pursuant to the amendments to the specification filed on May 20, 2009.

Claim Objections

Applicants note that claims 2, 4, and 6 are currently amended and submit that, as amended, the objections to the informalities in claims 2, 4, and 6 are obviated.

Claim Rejections Under 35 U.S.C. § 112

Applicants acknowledge with appreciation that the rejections of claims 10 and 15-19 under 36 USC 112 have been withdrawn in view the Amendments of May 20, 2009.

Claim Rejections Under 35 U.S.C. § 102(b)

Applicants acknowledge with appreciation that the rejections of claims 15-17 under 35 USC 102(b) in view of Mainelis, and the rejection of claims 15-19 under 35 USC 102(b) in view of Mainelis have been withdrawn in view the Amendments of May 20, 2009.

Claim Rejections Under 35 U.S.C. § 103(a)

Applicants acknowledge with appreciation that the rejections of claims 1-3, 4, 5-14, and 15-19 under 36 USC 103(a) have been withdrawn in view the Amendments of May 20, 2009.

Double Patenting – Obviousness Type

Applicants acknowledge with appreciation that the provisional rejections of claims 12, 13, and 17-22 on the grounds of nonstatutory obviousness-type double patenting over claims 1-18 of copending Application No. 10/590,632 and over claims 1-13 of copending Application 10/590,768 have been withdrawn in view the Amendments of May 20, 2009.

Rejections, Maintained

Applicants note the provisional double-patenting rejections of the claims 1-11 and 14-16 on the ground of nonstatutory obviousness-type double patenting over claims 1-18 of the co-pending application No. 10/590,632 and over the claims of 1-13 of the co-pending Application 10/590,768. Applicants agree that these claims are not identical, but do not agree that they are obvious in view of each other, one way or the other. However, in the interests of speedy prosecution, and not in admission of any obviousness one way or the other, Applicants have submitted duly signed Terminal Disclaimers, filed on February 10, 2010, to obviate these rejections. These rejections may now properly be withdrawn.

CONCLUSION

Applicants note that all rejections are obviated or traversed and respectfully request that they thus be withdrawn. A timely Notice of Allowance is requested to be issued in this case. Applicants believe that no fees or petitions are due with this filing, apart from the fee for a request for continued examination. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 02-2093 as necessary.

Dated: February 12, 2010

Respectfully submitted,

/peterbscull/
Peter B. Scull, Registration No. 37,932
Attorney for Applicant
USPTO Customer No. 43,439

BERENBAUM WEINSHIENK PC
370 Seventeenth Street, Suite 4800
Denver, Colorado 80202
Tel: 303-825-0800
Fax: 303-629-7610